

The Amendment returns the claims substantially to the form found in the Amendment filed November 20, 2001, which overcame all rejections that did not rely on Beukes et al. (U.S. Patent No. 6,085,659) (hereinafter "Beukes"). The subsequent Office Actions mailed December 18, 2001 and June 26, 2002 only apply Beukes or Beukes in combination with other references for rejecting the claims. Beukes is not prior art as discussed below. Entry of the Amendment is thus respectfully requested.

Moreover, Applicants respectfully assert that the finality of the present Rejection is inappropriate because the Examiner indicated in the February 12, 2002 interview that the claims as rejected at that time and discussed at the interview contained allowable subject matter. As a result an Amendment was filed to place the application in condition for allowance. After an Advisory Action, a Request for Continued Examination and Supplemental Amendment were filed. Thus, as the action is a first action after a Request for Continued Examination responding to Patent Office requirements, it should not have been made final. Under the provisions of MPEP §706.07(p), second paragraph, it is not proper to make final a first Office Action when the application contains material such as was added by the Supplemental Amendment filed concurrently with the Request for Continued Examination. It is submitted that the totality of the amendments to the claims was not given the appropriate consideration in light of the indication that claims so amended would be allowable as was discussed at the February 12, 2002 interview.

In any case, because all rejections in the pending Office Action are based on a reference that is not prior art, it must be withdrawn, thus permitting entry of the present amendment.

Accordingly, Applicants respectfully request that the Final Rejection be withdrawn and the instant Amendment considered and entered.

Applicants gratefully acknowledge the Examiner's indication that claims 20 and 21 contain allowable subject matter.

CLAIM REJECTIONS

The Office Action rejects claims 14-19, 22, 25 and 26 under 35 U.S.C. §102(e) as being anticipated by Beukes; claims 23-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Beukes in view of Jarrott et al. (U.S. Patent No. 4,632,031); claim 27 is rejected under 35 U.S.C. §103(a) as being unpatentable over Beukes; and claims 28-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Beukes in view of Powell (U.S. Patent No. 5,877,696). Applicants respectfully traverse the rejections.

Applicants respectfully assert that Beukes is not prior art. Specifically, under 35 U.S.C. §365, the effective filing date of the instant application is December 20, 1996, the date the PCT Application designating the United States was filed, well prior to the 102(e) date of Beukes, December 10, 1998. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) be withdrawn.

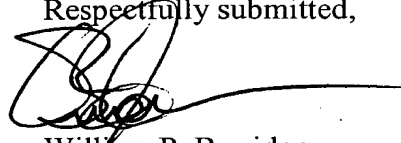
For the foregoing reasons, the Beukes reference is not prior art and therefore the rejections should not stand. Accordingly, claims 14 and 16 have been amended to return them substantially to their initially allowable state. The sole exception is to address the "capable of" language of claim 14 as discussed during the February 12, 2002 interview. Applicants submit that this latter amendment does not narrow the scope of the claims, but rather uses a word that is substantially a synonym for the phrase replaced.

Further, Applicants submit that the arguments made concerning Beukes subsequent to the March 11, 2002 mailed Office Action are unnecessary as Beukes is not prior art. Thus, it is submitted that those remarks should be disregarded in connection with the prosecution of this application and any subsequent interpretation of the resulting patent.

In view of the foregoing remarks, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 14-31 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,



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Attachment:
Appendix

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DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
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APPENDIX

Changes to Claims:

The following is a marked-up version of the amended claims:

14. (~~Three~~Four Times Amended) A priming device for a detonator, comprising:
timing means for timing the action of a firing element of a primer;
an electrical power supply that provides a first power intensity to the timing means; and
power generating means ~~for~~, the power generating means for generating, through a resistive circuit, a second power intensity sufficient to actuate the firing element upon expiration of a timing interval as determined by the timing means, ~~wherein the timing means and power generating means have resistors limiting the current intensity~~, the first power intensity from the power supply not being sufficient, ~~even as other components fail~~, to actuate the firing element.
16. (~~Twice~~Three Times Amended) A priming device for a detonator, comprising:
an electrical power supply means for timing the action of a firing element of a primer; and
power generating means for generating, through a resistive circuit ~~having resistors limiting current intensity~~, a current intensity sufficient to actuate the firing element upon expiration of a timing interval, the power generating means comprising a capacitor, switching means, and controlling means for controlling the switching means by allowing the capacitor to be charged for a charging time ~~during the timing interval~~ and then discharged, the discharge causing the firing element to act on the primer.